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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/772,632	02/05/2004	Dipl.-Ing. Daniel Supper	075791.0239	5649
5073	7590	03/23/2006	EXAMINER	
BAKER BOTTS L.L.P. 2001 ROSS AVENUE SUITE 600 DALLAS, TX 75201-2980			ULLAH, AKM E	
			ART UNIT	PAPER NUMBER
			2874	

DATE MAILED: 03/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/772,632

Applicant(s)

SUPPER, DIPL.-ING. DANIEL

Examiner

Akm Enayet Ullah

Art Unit

2874

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>March 08, 2004</u> | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

If applicant is aware of any prior art or any other co-pending application not already record, he/she is reminded of his /her duty under 37 CFR 1.56 to disclose the same.

If applicant provides prior art, he/she is requested to cite it on form PTO-1449 in accordance with the guidelines set forth in MPEP 609.

Claims 1- 19 are pending in this application.

Due to the restriction applicant's attorney elected without traverse Group II, claims 1-19 for the examination purpose. Thus, claims 20-21 is being with drawn from consideration.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ebeling et al (USPATNO.6, 773,169).

Ebeling et al disclose a method for coupling a surface-oriented opto-electronic element with an optical fiber and opto-electronic element for carrying out such a method that makes it possible to connect the two parts easily while providing a high coupling performance.

The invention surface-oriented opto-electronic element is characterized by a rotationally symmetric protruding structure that is formed at the element symmetrical to the optically active zone (column 3, lines 55-62 of Ebeling et al.

The surface-oriented opto-electronic element is one of VCSEL laser diode, an LED and a photodiode mentioned @ column 4, first paragraph of Ebeling et al.

Furthermore, an added feature of the invention, the substrate has an opposing surface opposite the surface region and the protruding structure is formed at the opposing surface mentioned @ column 4, lines 25- 30 of Ebeling et al.

Column 7, lines 25-30 of Ebeling et al mentioned the important of the invention that an optical fiber and an opto-electronic element that is to be coupled therewith are joined to one another by an optically transparent adhesive and with self-centering.

The gist of the claimed invention is clearly taught by Ebeling et al reference.

Ebeling et al fails to teach explicitly the method for coupling the optoelectronic component to an end face of an optical fiber, as claimed.

Ebeling et al is the evidence that ordinary skill in the art would find a reason, suggestion or motivation to have the method for coupling the optoelectronic component to an end face of an optical fiber as claimed in the instant application.

One of ordinary skill in the art would have found it obvious to use such coupling assembly method as specified with any desired coupling system, since Ebeling et al the optically active zone or surface of the opto-electronic element is aligned concentric to the fiber core and fixed there, which makes possible an optimal coupling (column 2, lines 60-65 of Ebeling et al).

Cited Prior art by Applicant

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Gabriel et al (USPATNO. 4,730,928) and Dakss et al (USPATNO. 4,269,648) are also cited show a coupling between an optical fiber and opto electronic device respectively.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Akm Enayet Ullah whose telephone number is 571-272-2361. The examiner can normally be reached on Monday through Wednesday from 5:00 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rodney Bovernick, can be reached on 571-272-2344.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Art Unit: 2874

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A handwritten signature in black ink, appearing to read 'Aullah', with a long horizontal flourish extending to the right.

Akm Enayet Ullah
Primary Examiner
Art Unit 2874

AUllah
March 14, 2006